

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JUAN VASQUEZ-SANTIAGO,

Petitioner,

V.

UNITED STATES OF AMERICA,

Respondent.

Case No. 05-5303RJB

ORDER DENYING CERTIFICATE
OF APPEALABILITY

This matter comes before the Court on Petitioner's Notice of Appeal and Request for Certificate of Appealability, Dkt. 15. Petitioner requests a certificate of appealability in accordance with 28 U.S.C. § 2253(c) and now argues that his appointed defense attorney's conduct collectively denied him effective assistance of counsel. Dkt. 15 at 1-2. The Court has carefully reviewed the request and the record herein and has determined that a certificate of appealability should not issue.

The district court should grant an application for a certificate of appealability only if the petitioner makes a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(3). To obtain a certificate of appealability under 28 U.S.C. § 2253(c), a *habeas* petitioner must make a showing that reasonable jurists could debate whether, or agree that, the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further. *Slack v. McDaniel*, 120 S.Ct. 1595, 1603-04 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4 (1983)).

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1 The Court has previously and thoroughly considered counsel’s performance and finds that
2 Petitioner has not made a “substantial showing of the denial of a constitutional right.” 28 U.S.C. §
3 2253(c)(3). Moreover, reasonable jurists would not debate the resolution of his claims, and all of the
4 issues presented in his original *habeas corpus* petition do not deserve encouragement to proceed
5 further. This Court thoroughly reviewed the petition and the record and found no basis for relief.
6 Similarly, the Court finds that the claims do not warrant further proceedings. As the Court found,
7 reasonable decisions of trial strategy, properly elicited guilty pleas, and properly applied sentencing
8 guidelines do not merit *habeas* relief, nor do they deserve encouragement for further review.

9 Accordingly, it is hereby ORDERED that petitioner's Application for a Certificate of
10 Appealability, Dkt. 22, is DENIED. The Clerk is directed to send uncertified copies of this Order to
11 all counsel of record and to any party appearing *pro se* at said party's last known address.

12 || DATED this 10th day of May, 2006.

Robert J. Bryan
Robert J. Bryan
United States District Judge